

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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K.R., an infant by her Mother and Natural
Guardian DARIA PEREZ, and DARIA
PEREZ, individually,

Plaintiffs,

- against -

PATRICIA J. SILVERMAN, et al.,
Defendants.

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DEARIE, Chief Judge.

ORDER

08 cv 2192 (RJD) (SMG)

The Court has reviewed the Report & Recommendation of Magistrate Judge Steven M. Gold, dated August 13, 2009, addressing plaintiffs' motion to file a second amended complaint and the motion by defendants Silverman, Rodriguez and the United States to dismiss plaintiffs' common law tort claims against Silverman and Rodriguez as individuals. No objections have been filed. The Court hereby adopts the Report & Recommendation in its entirety.

Plaintiffs' motion to file a second amended complaint is denied as to all proposed claims against Silverman and Rodriguez in their individual capacities, and granted as to all other proposed claims, as outlined in the Report & Recommendation (see Dkt. No. 40, at 15). Plaintiffs' existing claims against Silverman and Rodriguez are dismissed for lack of subject matter jurisdiction. The caption shall be amended to strike the names of Silverman and Rodriguez, making the United States the sole federal defendant in this action.

SO ORDERED.

Dated: Brooklyn, New York
September 10, 2009

s/ Judge Raymond J. Dearie

RAYMOND J. DEARIE
United States District Judge